

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EBONY WHITE	:	CIVIL ACTION
	:	
v.	:	
	:	
DALE HARSHBARGER	:	NO.
	:	
and	:	
	:	
VIRGINIA TRANSPORTATION	:	
CORPORATION	:	

NOTICE OF REMOVAL

Defendants Dale Harshbarger and Virginia Transportation Corporation, by and through its attorneys, Billet & Associates, LLC, hereby notice the removal of this matter to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas, Philadelphia County, Pennsylvania, and, in support thereof, aver the following:

1. This is a civil action which was filed and is now pending in the Court of Common Pleas of Philadelphia County entitled White v. Harshbarger et al., Philadelphia County Court of Common Pleas, May Term 2019, No. 91670. See plaintiff's Complaint, a copy of which is attached as Exhibit "A."

2. The action was commenced by the filing of the aforementioned Complaint on or about May 29, 2019. Id. See Exhibit "A."

3. Defendants Dale Harshbarger and Virginia Transportation Corporation were served on or about June 3, 2019.

4. Accordingly, this Notice of Removal is being filed within thirty (30) days of service of plaintiff's Complaint, and it is the first pleading which specifically identifies all elements of federal jurisdiction.

5. Defendants expressly reserve all rights and defenses relating to plaintiff's claims.

6. The causes of action set forth in plaintiff's Complaint are such that this Court may exercise diversity jurisdiction pursuant to 28 U.S.C. §1332, and is therefore removable pursuant to 28 U.S.C. §1441(b).

7. Furthermore, this Court has original jurisdiction over plaintiff's claims due to the diversity of citizenship between the plaintiff and the defendants. See 28 U.S.C. §1332.

8. Plaintiff Ebony White is an adult individual and citizen of the Commonwealth of Pennsylvania, and resides at 12 N. Kossuth Street, Baltimore, Maryland. See Exhibit "A" at ¶1.

9. Defendant Dale Harshbarger is an adult individual and citizen of the State of Kentucky, and resides at 4772 Petersburg Road, Petersburg, Kentucky. See Exhibit "A" at ¶2.

10. Defendant Virginia Transportation Corporation is a business or corporation with a registered office and/or principal place of business at 141 James P. Murphy Highway, W. Warwick, Rhode Island. See Exhibit "A" at ¶3.

11. Plaintiff has alleged damages in excess of \$50,000, which could exceed the sum or value of \$75,000. See Exhibit "A." See also 28 U.S.C. §1332.

12. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391(b)(2), as the events which gave rise to plaintiff's causes of action occurred in the County of Bedford, Pennsylvania, which is in the Eastern District of Pennsylvania. See Exhibit "A."


13. For the aforementioned reasons, this Court has original jurisdiction over plaintiff's claims due to the diversity of citizenship between the plaintiff and the defendants. See 28 U.S.C. §1332.

14. Written notice to plaintiff and all other defendants is being served simultaneously with this Notice of Removal. See Notice of Removal attached as Exhibit "B."

15. A copy of this Notice of Removal, along with all attachments, is also being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County. See Praeipie for Notice of Removal attached as Exhibit "C."

WHEREFORE, defendants Dale Harshbarger and Virginia Transportation Corporation respectfully request that this matter be removed to this the United States District Court for the Eastern District of Pennsylvania for all purposes.

BILLET & ASSOCIATES, LLC

By: 
ROBERT DOUGLAS BILLET, ESQUIRE
STACY L. GREENBERG, ESQUIRE
Attorneys for defendants Dale Harshbarger
and Virginia Transportation Corporation

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CERTIFICATE OF SERVICE

I, Stacy L. Greenberg, Esquire, hereby certify that a true and correct copy of the Notice of Removal, was served upon each and every interested counsel or unrepresented party by regular first class mail, postage pre-paid on June 26, 2019.

BILLET & ASSOCIATES, LLC

By:



ROBERT DOUGLAS BILLET, ESQUIRE
STACY L. GREENBERG, ESQUIRE
Attorneys for defendants Dale Harshbarger
and Virginia Transportation Corporation